

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

**IN RE: JOHNSON & JOHNSON TALCUM
POWDER PRODUCTS MARKETING,
SALES PRACTICES, AND PRODUCTS
LIABILITY LITIGATION**

This document relates to: Plaintiffs,

Veronica Washington, an individual
v.

Johnson & Johnson, Johnson & Johnson Consumer,
Inc., Imerys Talc America Inc, Defendants.

MDL No. 2738 (FLW) (LHG)

Chief Judge Michael A. Shipp

**Magistrate Judge
Rukhsanah L. Singh**

**Short Form Complaint and Jury
Demand**

SHORT FORM COMPLAINT AND JURY DEMAND

The Plaintiff(s) named below file(s) this *Short Form Complaint and Demand for Jury Trial* against Defendants named below by and through the undersigned counsel. Plaintiff(s) incorporate(s) by reference the allegations contained in *Plaintiff's Master Long Form Complaint* in *In re: Talcum Powder Products Marketing Sales Practices, and Products Liability Litigation*, MDL No. 2738 in the United States District Court for the District of New Jersey. Plaintiff(s) file(s) this Short Form Complaint as permitted by Case Management Order No. 1 of this Court.

In addition to those causes of action contained in *Plaintiff's Master Long Form Complaint*, where certain claims require specific pleadings and/or amendments, Plaintiff(s) shall add and include them here in.

IDENTIFICATION OF PARTIES.

Identification of Plaintiff(s)

1. Name of individual injured due to the use of talcum powder product(s): Veronica Washington
2. At the time of the filing of the specific case, Plaintiff(s) is/are a citizen of: Florida
3. Consortium Claim(s): The following individual(s) allege damages for loss of consortium:
N/A
4. Survival and/or Wrongful Death Claims: NA

Name and residence of Decedent Plaintiff when she suffered the talcum powder product(s) related death: N/A
5. Plaintiff/Decedent was born on 1/29/1977 and died on n/a.
6. Plaintiff if filing this case in a representative capacity as the n/a
7. As a result of using talcum powder product(s), Plaintiff/Decedent suffered personal and economic injur(ies) that are alleged to have been caused by the use of the products identified in Paragraph 16 below, but not limited to, the following:

- ☒ Injury to herself
- ☐ Injury to the person represented
- ☐ Wrongful death
- ☐ Survivorship action
- ☒ Economic loss
- ☐ Loss of services
- ☐ Loss of consortium

_____ Other: _____

Identification of Defendants

8. Plaintiff(s)/Decedent Plaintiff(s) is/are suing the following Defendant(s) (please check all that apply)¹:

- ☒ Johnson & Johnson
- ☒ Johnson & Johnson Consumer Inc.
- ☐ Imerys Talc America, Inc. (“Imerys Talc”)
- ☐ Personal Care Products Council (“PCPC”)

Additional Defendants

- ☒ Other(s) Defendant(s) (please specify): LTL Management, LLC; Kenvue, Inc.;
Johnson & Johnson Holdco (NA) INC.; Janssen Pharmaceuticals, Inc.

JURISDICATON & VENUE

Jurisdiction

9. Jurisdiction in this Short Form Complaint is based on:
- ☒ Diversity of Citizenship
- ☐ Other (The basis of any additional ground for jurisdiction must be pled in sufficient detail as required by the applicable Federal Rules of Civil Procedure).

¹If additional Counts and/or Counts directed to other Defendants are alleged by the specific Plaintiff(s) as to whom this *Short Form Complaint* applies, the specific facts supporting these allegations must be pleases by the Plaintiff(s) in a manner complying with the requirements of the Federal Rules of Civil Procedure, and the Defendants against whom they are alleged must be specifically identified on a separated sheet of paper attached to this *Short Form Complaint*.

Venue:

10. District Court(s) and Division (if any) in which venue was proper where you might have otherwise filed this Short Form Complaint absent the direct filing Order entered by this

Court and to where remand could be ordered by the Judicial Panel for trial: _____

CASE SPECIFIC FACTS

11. Plaintiff(s) currently reside(s) in (City, State): Palm Beach Gardens, FL
12. At the time of the Plaintiff's/Decedent's diagnosis with a talcum product(s) injury, Plaintiff/Decedent resided in (City, State); West Palm Beach, FL, diagnosed in 2015.
13. To the best of Plaintiff's knowledge, Plaintiff/Decedent began using talcum powder product(s) on or about the following date: 1995 and continued the use of talcum powder product(s) through about the following date: 2014
14. The Plaintiff/Decedent purchased talcum powder product(s) in the following (State(s)): Florida
15. Plaintiff/Decedent used the following talcum powder products:
- ☒ Johnson & Johnson's Baby Powder
- ☒ Shower to Shower

CAUSE OF ACTION

16. Plaintiff(s) hereby adopt(s) and incorporate(s) by reference the *Master Long Form Complaint and Jury Demand* as if fully set forth herein.
17. The following claims and allegations asserted in the *Master Long Form Complaint and Jury Demand* as is fully set forth herein.
- ☐ Count 1: Products Liability – Strict Liability – Failure to Warn (Against Imerys Talc)
- ☒ Count II: Products Liability – Strict Liability – Failure to Warn (Against the Johnson & Johnson Defendants)

☐ Count III: Products Liability – Strict Liability – Defective Manufacture and Design (Against Imerys Talc)

☒ Count IV: Products Liability – Strict Liability – Defective Manufacture and Design (Against the Johnson & Johnson Defendants)

☒ Count V: Breach of Express Warranties (Against the Johnson & Johnson Defendants)

☒ Count VI: Breach of Implied Warranty of Merchantability (Against Johnson & Johnson Defendants)

☒ Count VII: Breach of Implied Warranty of Fitness for a Particular Purpose (Against the Johnson & Johnson Defendants)

☐ Count VIII: Negligence (Against Imerys Talc)

☒ Count IX: Negligence (Against the Johnson & Johnson Defendants)

☐ Count X: Negligence (Against PCPC)

☒ Count XI: Negligent Misrepresentation (Against the Johnson & Johnson Defendants)

☒ Count XII: Fraud (Against the Johnson & Johnson defendants)

☐ Count XIII: Fraud (Against PCPC)

☒ Count XIV: Violation of the State of Consumer Protection Laws of the State is Florida (Against the Johnson & Johnson Defendants)

☐ Count XV: Fraudulent Concealment (Against Imerys Talc)

☒ Count XVI: Fraudulent Concealment (Against Johnson & Johnson Defendants)

☐ Count: XVII: Fraudulent Concealment (Against PCPC)

☒ Count XVIII: Civil Conspiracy (Against All Defendants)

☒ Count XIX: Loss of Consortium (Against All Defendants)

☒ Count XX: Punitive Damages (Against All Defendants)

☒ Count XXI: Discovery Rule and Tolling (Against All Defendants)

☒ Count XXII: Wrongful Death (Against All Defendants)

☒ Count XXIII: Survival (Against All Defendants)

☒ Furthermore, Plaintiff(s) assert(s) the following additional theories and/or State Causes of Action against Defendant(s) identified in Paragraph nine (9) above. If Plaintiff(s) includes additional theories of recovery, to the extent they require specificity in pleadings, the specific facts and allegations supporting these theories must be plead by Plaintiff(s) in a manner complying with the requirements of the Federal Rules of Civil Procedure. _____

WHEREFORE, Plaintiff(s) prays for relief and judgment against Defendants of compensatory damages, punitive damages, interest, costs of suit, and further relief as the Court deems equitable and just, and as set for In the *Master Long Form Complaint* as appropriate.

JURY DEMAND

Plaintiff(s) hereby demand a trial by jury as to all claims in this action.

Dated: 9/27/2023

Respectfully Submitted by,

/s/ Michael Louis Kelly
Michael Louis Kelly – SBN 82063

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